IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 868 of 2006(M/B)

Shamsher Sigh S/o Sri Sadhuram,
R/o H. No. 152, Sector 8, Part II,
Police Station Civil Line, Karnal,
Distinct Karnal (Haryana). …… Petitioners

Versus

1. State of Uttaranchal
through Senior Superintendent of Police,
District Dehradun.
2. Station House Officer,
Police Station Railwala, District Dehradun.
3. Shri Sumit Singh S/o Rajpal Singh,
R/o H.No. 2178, Sector No. 28,
Housing Borad Colony,
Faridabad (Haryana). …… Respondents

……..

Mr. Sandeep Tandon, Advocate for the petitioner.
Mr. D.K. Sharma, Government Advocate for respondents Nos. 1 & 2.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Sandeep Tandon, Advocate for the petitioner.

Mr. D.K. Sharma, Government Advocate for respondents Nos. 1 & 2.

2. Mr. D.K. Sharma, the learned Government Advocate produces the police case diary of the case.

3. They are heard on admission.

4. Petitioner Shamsher Singh has filed this writ petition for the following reliefs:

> "I-Issue a writ, order or direction in the nature of certiorari quashing the impugned first information report dated 10.12.2005 of case crime No. 125 of 2005, under section 302, 34, 120B I.P.C., police station Raiwala, District Dehradun.

II- Issue a writ, order or direction in the nature of mandamus directing the station house officer, police staton, Raiwala, District Dehradun, not to arrest the petitioner in respect case crime No. 125 of 2005, registered under section 302, 34, 120B I.P.C. dated 10.12.2005.

III- Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the present case."

5. The petitioner, who, at the relevant time, was Station House Officer of Police Station Madhuban, district Karnal, is apprehending his arrest for his alleged involvement in Crime No. 125 of 2005 registered at Police Station Raiwala, District Dehradun for the alleged commission of the offecnes punishable under Section 302 read with 34, 201, 215, 420, 467, 468 and 471 of the I.P.C.

6. The petitioner is alleged to have fabricated records of his Police Station Madhuban to shield one Sunil, who is the main accused in a case of triple murder, wherein three persons namely Rajpal Singh, Himmat Rai Ahuja and Smt. Ishwari Devi Ahuja were shot dead, by showing that the said Sunil was in the custody of Police Madhuban on time and date when he is said to have committed murder of the above-named three persons.

7. At this stage, Mr. Sandeep Tandon, the learned counsel for the petitioner, apprehending that the observations, which may be made in this order while dismissing the petitioner's writ petition on merits, may adversely affected the prospects of petitioner's bail petition seeks permission to withdraw the writ petition.

8. Permission granted.

9. The writ petition, therefore, is dismissed as withdrawn.

10. Consequently, CLMA No. 9238 of 2006 also stands dismissed as withdrawn.

(Prafulla C. Pant, J.) 28.07.2006

(Rajeev Gupta, C.J.) 28.07.2006

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